

APPENDIX C. HUNTING RULES, REGULATIONS, AND IMPACT-MINIMIZATION MEASURES FOR THE STATE OF CALIFORNIA AND THE PETERSEN RANCH MITIGATION BANK

The California Department of Fish and Wildlife's (CDFW) Wildlife and Fisheries Division and Law Enforcement Division are tasked with developing hunting regulation recommendations and protecting natural resources, including game, throughout the state (CDFW 2015). The California Fish and Game Commission (CFGC), a state government entity separate from the CDFW, is tasked with regulating the "taking or possession of birds, mammals, fish, amphibia, and reptiles" (California Fish and Game Code (FGC) Section 200). Additional hunting regulations related to public safety may be required by local government agencies. Hunting regulations, and how they relate to the resources in the Petersen Ranch Mitigation Bank, are summarized below. Hunting regulations are updated regularly by the CFGC. Therefore, seasons dates, take limits, and other regulatory information described below are subject to change in accordance with these CFGC updates. Any hunting activity in the Bank Properties will be required to adhere to the most up-to-date California hunting regulations, as well as the hunting requirements described in the Conservation Easement (CE) and Long-Term Management Plan (LTMP).

DEFINITIONS

Game Species: Animals legal to hunt with a hunting license and, depending upon species, a tag or stamp with seasonal restrictions and bag limits; generally, animals that are harvested for food, fur, or other resource purposes.

Nongame Species: Animals legal to hunt with or without a hunting license; a tag or stamp is not necessary and seasonal restrictions and/or bag limits typically do not apply; generally animals that are harvested for conservation, financial, or other resource management purposes.

Bag and Possession Limit: The daily bag limit of each kind of resident and migratory game birds, game mammals and furbearing mammals which may be taken and possessed by any one person unless otherwise authorized. (14 CCR §252.)

Season: That period of time during which resident and migratory game birds, game mammals and fur-bearing mammals may be taken. All dates are inclusive. (14 CCR §258.)

Daily Restriction / Limit: Is here used to mean the limit of hours within a 24-hour period within which game or fish species may be legally taken, typically expressed in diurnal phases (i.e., sunset, sunrise, at the location of the hunter). (See 14 CCR §250.5.)

Take / Harvest: The legal hunt, pursuit, catch, capture or kill or attempt to hunt, pursue, catch, capture, or kill of game or fish species. (See Cal. Fish and Game Code §86.)

Method of Take / Harvest: The means by which a hunter or angler takes a game or fish species in the field.

Hunting / Fishing License: The legal document issued by the CDFW to a hunter or angler allowing such to hunt or fish, typically for one year. Several species require an additional document, a tag / stamp, to take prescribed game or fish (see Tag / Stamp; see also (14 CCR §700.)).

Tag / Stamp: The legal document issued by the CDFW to a hunter or angler allowing such to take prescribed game or fish. Tags are specific to species, season, zone, and/or method of take, and are associated with one licensed hunter or angler.

REGULATORY BACKGROUND

The CDFW's Wildlife and Fisheries Division and Law Enforcement Division are tasked with developing hunting regulation recommendations and protecting natural resources, including game, throughout the state (CDFW 2015). The CFGC, a state government entity separate from the CDFW, is tasked with regulating the "taking or possession of birds, mammals, fish, amphibia, and reptiles" (FGC Section 200). The CFGC has the authority to set "seasons, bag limits, and methods of take for game animals, sport fishing, and some commercial fishing" (CFGC 2015). Bag limits, seasonal restrictions, and methods of take or harvesting are determined by the CFGC through the recommendations of CDFW and other natural resource stakeholders to ensure that game and fish populations are maintained at sustainable levels both locally and throughout California, and reviews of such are conducted annually. Frequently, regional and seasonal restrictions and/or harvest limits are modified to accommodate low or high populations of game and fish species within specific areas of California. Likewise, hunters are required to validate or submit to CDFW tags post-harvest, the information gleaned from tag validation/submission supplies data for the CDFW to determine the following year's bag and possession limits.

The State of California has been divided into zones based around singular species of game. The CFGW determines seasonal restrictions and the annual harvest limit for the target species, based on the health of that zone's population. Zone boundaries vary by species, with some species freely harvested across zones and/or throughout the state. Generally, zones follow major topographic features (e.g., watershed breaks) or cultural features (e.g., highways, state borders). Throughout the state, hunting and angling are allowed on public lands designated as such and is also allowed on private property with written or witnessed permission by the property owner(s).

To legally hunt within the State of California, an individual must be in possession of a current hunting license. With few exceptions, each individual possessing a hunting license must have passed a hunter's safety course wherein which the prospective hunter learned harvesting ethics, the safe handling of firearms, the safe handling of taken game, and state hunting regulations. In addition to a hunting license, to hunt certain game species an additional tag or stamp is required. Licenses and tags are both issued by the CDFW (and in some cases USFWS e.g. Federal Duck Stamp) and must be in possession of the hunter at all times within the field. The Law Enforcement Division of the CDFW polices the illegal take and possession wildlife with game wardens, who regularly cite and arrest those taking game animals in excess of the bag limit, out of season, with illegal methods, within protected areas, and/or other illegal means.

Hunting and angling are highly regulated recreational pursuits that are regularly reviewed and regulated by the CDFW, CFGC, the U.S. Fish and Wildlife Service (USFWS), and other non-governmental organizations to ensure that practices are safe for the general public, conducted ethically, and without significant environmental impact.

GAME SPECIES AND HUNTING WITHIN THE BANK

As with most private properties, the Bank strictly controls hunting within its boundaries. Hunting is by permission of the Property Owner and his/her assigns with restrictions clearly designated in the LTMP:

“Hunting shall be allowed in the Bank Properties in accordance with the following restrictions: (i) hunting activities shall not adversely affect the conservation values of the Bank Properties; (ii) no hunting activities shall take place from March 1 through July 15 of any year, and this closure period may be extended in writing by either Grantee, in consultation with CDFW, to accommodate early or late Swainson’s Hawk presence in any given year; (iii) no hunting activities shall take place in the cattle exclusion zone along the rift valley; (iv) hunting activities are restricted to the Grantor, its employees, and their families and guests; (v) recreational or target shooting not directly associated with the lawful take of game is strictly prohibited; and (vi) commercial hunting shall be allowed on an annual basis with the prior, written approval of CDFW and subject to any terms and conditions set forth in that written approval.”

(WRA 2014, BEI: Exhibit D-5)

And:

“The Property Owner reserves the right to engage in non-motorized recreational activities in the Bank Properties in the same manner as the Property Owner and his/her assigns currently utilize the Bank Properties. These uses include, by way of example and not limitation, hiking, horseback riding, and hunting (subject to the restrictions described above). No motorized recreational activities (e.g., recreational off-highway vehicle activities) are permitted on the Bank Properties outside of existing trails, paths, and roadways.”

(WRA 2014, BEI: Exhibit D-5)

Therefore, hunting access will be limited only to a small group of individuals hunting under the regulations of the LTMP and CDFW through consultation and the provisions of the FGC as well members of the IRT and additional restrictions and supervision of the Property Owner.

The Bank supports several species of game and nongame legal to hunt within the State of California, including but not limited to, mule deer, rabbits, coyote, bobcat, quail, and waterfowl. Seasonal and zonal restrictions for these species are described and issued to the public annually by the CDFW. The Bank resides within the “Non-lead Ammunition” area for the protection of the California condor, and strict adherence to such is the responsibility of the hunter and is enforceable under the Ridley-Tree Condor Preservation Act of the California Fish and Game Code, Section 3004.5. Additionally, policies for hunting within the Bank will be put in place by the Property Owner to ensure that his/her assigns adhere to all hunting regulations, including forbidding the use of lead ammunition. All past hunting activities undertaken by the previous owner, Robert Petersen, were undertaken with non-lead ammunition, as confirmed by his former Ranch manager. Mr. Petersen owned one of the first ammunition companies that created non-lead ammunition. The following summarizes the regulations and restrictions for each species or group of species that utilize the Bank:

MULE DEER (FGC Section 360)

The Bank is within the California Deer Zone designated D-11.¹ Currently, the season for this zone extends from the second Saturday in October and extends for 30 consecutive days. The mule deer (*Odocoileus hemionus*) population within this zone is considered stable, with slight declines attributable to development and fire suppression. The state-wide possession limit is one deer, with a forked horn or better, per tag with a maximum of two tags; therefore, a hunter is allowed two deer from this zone at a maximum, and only if they possess two tags for the zone. The method of take is limited to archery, muzzle-loader, or center-fire firearm, and is largely limited to private lands and the designated public hunting lands. In general, deer hunting in coastal California is practiced by individuals in small groups, on foot, and preferentially in open chaparral, woodland, and grassland habitats. No hunting may take place from any type of motor-driven vehicle pursuant to 14 CCR §251. The use of vehicles is limited to transportation only, and then, only on preexisting, accessible roads and trails. (See BEI Exhibit D-5.)

Deer spend the majority of their time in habitats that provide a high amount of cover in order to avoid predators. Since aquatic features within the Bank Properties provide minimal cover, it is unlikely that deer would frequently be hunted near these features since visitation by deer to these aquatic features would occur only episodically and for short periods of time usually during pre-dawn (i.e. non-hunting) hours. Therefore, aquatic resources in the Bank Properties would be avoided or minimally visited when hunting deer due to the extensive sheltered areas (i.e., chaparral) in the Bank Properties which provide more suitable cover and forage for resident deer. If deer are ever harvested within or adjacent to wetlands then in accordance with state law, they will be taken with non-lead ammunition. Additionally, deer will be immediately processed away from wetlands and waterways to prevent spoilage of the carcass as well as protect the integrity of the aquatic resources within the Bank.

BLACK-TAILED JACKRABBIT (FGC Section 309)

Black-tailed jackrabbit (*Lepus californicus*) occurs within the Bank; however, currently they are a nongame animal regularly hunted for meat, fur, and resource management. Currently, the CDFW enforces neither seasonal restrictions nor bag limits on this animal, as its populations are considered stable to increasing throughout most of California. Jackrabbit hunting is typically conducted by individuals or in pairs, on foot, and preferentially in open chaparral, woodland, and grassland. The hunting for and taking of black-tailed jackrabbits in and around wetlands is the same as that of mule deer (see above).

DESERT COTTONTAIL AND BRUSH RABBIT (FGC Section 308)

Desert cottontail (*Sylvilagus audubonii*) and brush rabbit (*S. bachmanii*) potentially occur within the Bank and are subject to the seasonal restriction of July 1 through the last Sunday in January with zonal restrictions. The bag limit is five animals per day of either species for a total of ten per season. Hunting for these species would be conducted within open to dense chaparral and grassland edges, and would follow the same preferences and restrictions in and around wetland habitats within the Bank as that of mule deer and black-tailed jackrabbit (see above).

¹ Those portions of Los Angeles and San Bernardino counties, within a line beginning at the intersection of Interstate 5 and Highway 138, south of Gorman; east on Highway 138 to Highway 14; south on Highway 14 to Palmdale and Highway 138; east on Highways 138 and 18 to Interstate 15; south on interstates 15 and 15E to Interstate 10; west on Interstate 10 to Interstate 405; north on Interstates 405 and 5 to the point of beginning.

COYOTE, BOBCAT, AND CROW (FGC, Section 473)

Coyote (*Canus latrans*), bobcat (*Lynx rufus*), and crow (*Corvus brachyrhynchos*) are considered nongame by the CDFW and therefore may be harvested with neither seasonal / daily restriction nor bag limit, with the exception of crow which can only be taken from the first Saturday of December extending 124 days hence with a bag limit of 24 per day for a total 48 for the season. However, crow may be taken at any time when an individual or individuals are threatening an agricultural enterprise. Typically, coyote, bobcat, and/or crow are hunted for fur or resource management. All three species are considered stable or slightly increasing according to the CDFW.

CALIFORNIA QUAIL (FGC Section 300)

California quail (*Callipepla californica*) is considered an upland game bird by the CDFW, and as such requires both a valid hunting license and an upland game stamp. The Bank is within the Quail Zone Q3 with a seasonal restriction running from the third Saturday in October to the last Sunday in January, and a bag limit of ten per day, and possession limit of 30. California quail utilize numerous habitats, but favor patchily vegetated areas where shrubs and short trees provide cover and elevated sightlines for the group (covey). Hunting is conducted on foot, and is typically conducted by individuals or very small groups and may be accompanied by a trained dog or dogs for flushing and retrieval. Quail will frequent wetland areas to forage, but only where thick, protective cover (e.g., shrubs) is available to provide immediate refuge from predators. Within the Bank, quail are abundant in mosaicked vegetation (i.e., mix of woody plants and herbs) with infrequent visitation to the site's wetlands; therefore, the hunting of quail would typically occur away from wetlands. Similar to mule deer, the taking of quail in or adjacent to wetlands would be infrequent. Additionally, if take of California quail ever occurs near a wetland, the removal from and processing of the animal would occur immediately and away from a wetland to prevent spoilage.

WATERFOWL (FGC Section 502)

Waterfowl are any number of game birds that rely upon open, aquatic habitats for foraging and resting, with nesting and cover typically occurring near the waterbody (e.g., ducks, geese). The Bank Properties are within the Southern California waterfowl hunting zone. Waterfowl occur within the Bank and are subject to the seasonal restrictions. The waterfowl season for both ducks and geese begins on the third Saturday in October extending for 100 days. The bag limit is seven ducks per day, and may include seven mallards (but no more than two females), two pintail of either sex, one canvasback of either sex, two redheads of either sex, and/or three scaup of either sex. The bag limit is 18 geese per day, and may include 15 white geese and three dark geese. The possession limit for ducks is 21 ducks, which is triple the daily bag limit. The possession limit for geese is 54 geese, which is triple the daily bag limit. Because the Bank is within the "Non-lead Ammunition" area of California, hunting would be conducted with non-lead ammunition (typically steel shot) in, around, and away from wetlands. Take of waterfowl near an aquatic feature will be immediately removed and processed away from a wetland to prevent spoilage. Additionally, the man-made duck hunting ponds installed by Mr. Petersen within the Rift Valley will be restored to wetland habitat and fenced to exclude cattle, which will reduce the amount of suitable open water habitat available for waterfowl in the Bank Properties. Additionally, no hunting will be allowed within this Rift Valley Cattle Exclusion Area, or any other cattle exclusion areas, in the Bank. Therefore, it is expected that following restoration, there will be limited waterfowl hunting opportunities. These opportunities would be constrained to the remaining open water pond in Area C of the Petersen Ranch Bank Property and along the

margin of Elizabeth Lake. For safety, and in accordance with legal regulations, any hunting that occurs within the Bank Properties will occur more than 150 yards from all residences, buildings, campsite, developed recreation site, or occupied area

SUMMARY

Hunting within California is highly regulated, and all hunters are trained to minimize impacts to natural resources, safely handle firearms and harvested game, and follow strict ethics for the harvesting of game and visiting their habitats. The CDFW and CFGC set both regional and state-wide seasonal limits on the taking of game based on the previous year's tag / stamp issuances and required harvest reports to ensure the sustainability for populations of game animals, as well as the occasional census of animal herds and other research. With the exception of waterfowl, the vast majority of hunting occurs away from wetlands. Game and nongame species spend the majority of their life-cycle away from wetlands, frequenting them only for episodic, short-duration visits for watering and occasional foraging. In rare instances where game and non-game are harvested near a water source, out of necessity they will be immediately moved away from waterbodies to upland areas where spoilage of the carcass and/or fur is less likely to occur. The use of vehicles occurs only on established roads, and the use of vehicles for the active pursuit of game within the State of California is illegal.

REFERENCES

California Department of Fish and Game (CDFW). 2015. CDFW Website, Available at: <https://www.wildlife.ca.gov/>. Accessed: March 2015.

California Fish and Game Commission (CFGC). 2015. CFGC Website, Available at: <http://www.fgc.ca.gov/public/information/>. Accessed: March 2015.